



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

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No. AIBSNLREA/CHQ/2020/93

Dated: 02.09.2020

To

Shri Anshu Prakash,
Secretary (Telecom),
Department of Telecommunications,
New Delhi 110001.

Subject: Non-release of consequential benefits in pension and all other pensionary benefits including refund of recovered amount from salary by not implementing the Central Administrative Tribunal, Jabalpur Bench Order passed on 24.02.2020 in OA No 1099 of 2012 quashing the punishment Order and the order rejecting the Appeal against punishment– Case of Shri S K Bhardwaj, Retd Executive Engineer (Civil), o/o Chief Engineer (Civil), Bhopal, HRMS No. 197105867.

Sir,

We would like to draw your kind attention to the above case of a pensioner, who is knocking the door of all concerned for justice, but getting no response. The case in brief is as under: -

- (1) The pensioner **Shri S K Bhardwaj, Retd Executive Engineer (Civil)** retired from service on 31.12.2011 but was awarded a punishment on 21.12.2011 vide BSNL No. 220-11/2004-O&M/VM II dated 21.12.2011.
- (2) His Appeal against the punishment Order was rejected vide BSNL No. 220-51/appeal-2012VM(C&A) dated 20.10.2012.
- (3) Being aggrieved against the Punishment Order and rejection of his Appeal against the punishment Order, he moved Central Administrative Tribunal, Jabalpur Bench for relief.
- (4) The **Hon'ble Central Administrative Tribunal, Jabalpur Bench passed its Order** on 24.02.2020 in OA No. 1099 of 2012 quashing and set aside both the punishment Order and the Order rejecting his Appeal against the punishment. The **Hon'ble Central Administrative Tribunal also ordered that "the applicant shall be entitled to all the service benefits."**
- (5) Since then *Shri S K Bhardwaj, Retd Exe. Engineer (Civil)* has made several representations to CMD, BSNL and others for implementation of the Order passed by **Hon'ble Central Administrative Tribunal, Jabalpur Bench on 24.02.2020. But no action has been taken so far on his prayer.**

2.1 In this connection, it is pertinent to mention here that **in the same case, a charge-sheet was also issued to Shri S C Shrivastava, the then Executive Engineer (Civil)**, who retired as Chief Engineer (BW), MTNL, Mumbai. He also had to approach Hon'ble Central Administrative

Tribunal, Bombay Bench to seek justice. In this case also, **the Hon'ble Central Administrative Tribunal, Bombay Bench** in OA No. 173 of 2011 **passed Orders on 23.11.2015 quashing both the penalty Orders issued by the Disciplinary Authority and also the Orders rejecting his appeal against punishment.**

2.2 **MTNL**, in this case, **filed a Writ Petition No. 14288 of 2016** in Bombay High Court against the above Order passed by the Central Administrative Tribunal, Bombay Bench. **The Hon'ble Bombay High Court** finally in its Order passed on 08.03.2019 **dismissed** this Writ Petition.

2.3 Following dismissal of the above Writ Petition by Bombay High Court, **MTNL Corporate Office, Delhi conveyed its approval**, vide its No MTNL/CO/Pers-II/S.C.Shrivastava/Court Case/2016/767 dated 08.07.2019, to implement the Court Orders.

2.4 Finally, **MTNL Mumbai issued Orders**, vide its No SM(Legal) HQ/5517(853)/14288 of 2016/SCS/2018-19 dated 06.08.2019 **implementing the Court Orders and the pensioner concerned got his due relief.**

3. In view of the facts placed before in the foregoing paragraphs, *it may kindly be appreciated that there is no reason to delay implementation of the said Order passed on 24.02.2020 in O.A. No 1099 of 2012 by Hon'ble Central Administrative Tribunal, Jabalpur Bench quashing and set aside both the punishment Order issued against Shri S K Bhardwaj, Retd E.E. (Civil) and the Order rejecting his Appeal against the said punishment Order.*

4. We shall be extremely grateful if you kindly intervene in the matter, so that **the said Orders passed by Central Administrative Tribunal, Jabalpur Bench is implemented at the earliest and the concerned pensioner** in this case i.e. Shri S K Bhardwaj, Retd Executive Engineer gets **back all his pensionary and other benefits** without any further delay.

With kind regards,

Yours sincerely,


(S Basu) 2.9.2020

General Secretary

Copy to:

1. Shri Kshatrapati Shjvaji,
Secretary (Pension), DOP&PW.
2. Shri P K Purwar,
CMD, BSNL.
3. Shri Arvind Vadnerkar,
Director (HR), BSNL.